

United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar

Thursday, November 10, 2016

Hearing Room

5A

9:30 AM

8:13-11037 Lawrence Keith Dodge

Chapter 11

Adv#: 8:15-01337 Casey v. Dodge

#1.00 CON'TD PRE-TRIAL CONFERENCE RE: Complaint For: 1) Declaratory Relief;
2) Avoidance of Fraudulent Conveyance of Property; 3) Avoidance of Fraudulent
Conveyance of Property; and 4) Recovery of Avoided Transfers

FR: 11-5-15; 6-23-16; 6-30-16; 7-28-16; 9-8-16

Docket 1

***** VACATED *** REASON: Order Approving Stipulation to Further
Continue Pre-trial Conference and Modify Scheduling Order Entered
8/11/16. Pre-trial Conference is Continued to 1/12/17 at 9:30 a.m. (XX)**

Courtroom Deputy:

**CONTINUED: Order Approving Stipulation to Further Continue Pre-trial
Conference and Modify Scheduling Order Entered 8/11/16. Pre-trial
Conference is Continued to 1/12/17 at 9:30 a.m. (XX) - td (8/11/2016)**

Tentative Ruling:

November 5, 2015

Discovery Cut-off Date: Feb. 16, 2016
Pretrial Conference Date: Apr. 14, 2016 at 9:30 a.m.
Deadline to Lodge Joint Pretrial Stipulation: Mar. 31, 2016

***Note: If all parties agree with the foregoing schedule, appearances at
today's hearing are waived and Plaintiff shall serve/lodge a scheduling
order consistent with the same.***

Party Information

Debtor(s):

Lawrence Keith Dodge

Represented By
Mike D Neue

**United States Bankruptcy Court
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Santa Ana
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9:30 AM

CONT... Lawrence Keith Dodge

Chapter 11

Derrick Talerico

Defendant(s):

Kristina Dodge

Pro Se

Plaintiff(s):

Thomas H Casey

Represented By
Laurel R Zaeske

Trustee(s):

Thomas H Casey (TR)

Represented By
Cathrine M Castaldi
Thomas H Casey
Laurel R Zaeske

Thomas H Casey (TR)

Pro Se

U.S. Trustee(s):

United States Trustee (SA)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, November 10, 2016

Hearing Room

5A

9:30 AM

8:13-17920 Donald Woo Lee

Chapter 11

Adv#: 8:14-01153 Lee et al v. Lockhart et al

#2.00 PRE-TRIAL CONFERENCE RE: Second Amended Complaint for Disgorgement and Disallowance of Fees and Recovery of Other Damages

FR: 6-18-15; 9-17-15; 10-15-15; 12-17-15

Docket 26

***** VACATED *** REASON: OFF CALENDAR: Order Approving Stipulation of Dismissal Pursuant to FRCP 41(A) Entered 6/20/16**

Courtroom Deputy:

OFF CALENDAR: Order Approving Stipulation of Dismissal Pursuant to FRCP 41(A) Entered 6/20/16 - td (6/20/2016)

Tentative Ruling:

October 15, 2015

Continue status conference to December 17, 2015 at 9:30 a.m. in light of anticipated mediation; joint status report to be filed by December 3, 2015.
(XX)

Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required and Plaintiff shall serve notice of the continued hearing date/time.

December 17, 2015

Last day for written discovery requests:	Jul. 31, 2016
Last day for written discovery responses:	Aug. 31, 2016
Last day to disclose experts:	Jun. 30, 2016
Last day for supplemental expert disclosures:	Jul. 15, 2016
Expert discovery completion date:	Sept. 30, 2016
Last day to file dispositive motions:	Sept. 10, 2016

**United States Bankruptcy Court
Central District of California
Santa Ana
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Thursday, November 10, 2016

Hearing Room

5A

9:30 AM

CONT... Donald Woo Lee

Chapter 11

Pretrial Conference:
am

Nov. 10, 2016 at 9:30
(XX)

Last day to file Joint Pretrial Stipulation:

Oct. 27, 2016

Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.

Party Information

Debtor(s):

Donald Woo Lee

Represented By
Michael R Totaro
Norma Ann Dawson

Defendant(s):

Samuel G Lockhart

Represented By
David Cantrell
Colin A Northcutt

Lockhart Law Firm, PC

Represented By
David Cantrell
Colin A Northcutt

Jonathan Preston

Represented By
James C Jardin

Page Lobo Costales & Preston

Represented By
James C Jardin

Interested Party(s):

Wells Fargo Bank, N.A.

Represented By
Edward J Miller

Courtesy NEF

Represented By

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, November 10, 2016

Hearing Room

5A

9:30 AM

CONT...

Donald Woo Lee

Chapter 11

David Cantrell
Matthew Grimshaw

Joint Debtor(s):

Linda Bae Lee

Represented By
Michael R Totaro
Norma Ann Dawson

Plaintiff(s):

Donald Woo Lee

Represented By
Norma Ann Dawson

Prime Partners Medical Group, Inc.

Represented By
Norma Ann Dawson

Linda Bae Lee

Represented By
Norma Ann Dawson

Trustee(s):

Richard A Marshack (TR)

Represented By
Kyra E Andrassy
David Wood
Matthew Grimshaw

Richard A Marshack (TR)

Pro Se

U.S. Trustee(s):

United States Trustee (SA)

Pro Se

United States Bankruptcy Court
Central District of California
Santa Ana
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Courtroom 5A Calendar

Thursday, November 10, 2016

Hearing Room

5A

9:30 AM

8:14-10082 Robert David Suer

Chapter 7

Adv#: 8:14-01124 Kan-Di-Ki, LLC d/b/a Diagnostic Laboratories v. Suer

#3.00 CON'TD PRE-TRIAL CONFERENCE RE: Complaint to: (1) Determine Dischargeability of Debt Under 11 U.S.C. Section 523; and (2) Object to Discharge Under 11 U.S.C. Section 727

FR: 7-10-14; 10-30-14; 12-4-14; 5-21-15; 7-30-15; 12-17-15; 1-21-16; 2-18-16; 4-7-16; 6-2-16; 6-30-16; 9-22-16

Docket 1

*** VACATED *** REASON: CONTINUED TO 12/15/16 AT 9:30 A.M.,
PER ORDER ENTERED 9/29/16 (XX)

Courtroom Deputy:

**CONTINUED: Pre-trial Conference Continued to 12/15/16 at 9:30 a.m.,
Per Order Entered 9/19/16 (XX) -td (9/29/2016)**

Tentative Ruling:

July 10, 2014

Continue status conference to Oct. 30, 2014 at 9:30 a.m.; updated joint status report to be filed by Oct. 16, 2014. (XX)

Note: If all parties accept the foregoing tentative ruling, appearances at today's hearing are not required; Plaintiff to serve notice of the continued hearing date/time.

December 4, 2014

Continue status conference to May 21, 2015 at 9:30 a.m.; updated joint status report to be filed by May 7, 2015. (XX)

Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required; Plaintiff to serve notice of the continued

United States Bankruptcy Court
Central District of California
Santa Ana
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Hearing Room 5A

9:30 AM

CONT... Robert David Suer
hearing date/time.

Chapter 7

May 21, 2015

Continue status conference to July 30, 2015 at 9:30 a.m.; updated joint status report to be filed by July 16, 2015. (XX)

Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.

July 30, 2015

Discovery Cut-off Date:	Nov. 2, 2015
Pretrial Conference Date:	Dec. 17, 2015 at 9:30
a.m.	(XX)
Deadline to Lodge Joint Pretrial Stipulation:	Dec. 3, 2015

Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.

Party Information

Debtor(s):

Robert David Suer

Represented By
Jerome Bennett Friedman

Defendant(s):

Robert David Suer

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 10, 2016

Hearing Room

5A

9:30 AM

CONT... Robert David Suer

Chapter 7

Plaintiff(s):

Kan-Di-Ki, LLC d/b/a Diagnostic

Represented By
Monika S Wiener

Trustee(s):

David L Hahn (TR)

Pro Se

David L Hahn (TR)

Pro Se

U.S. Trustee(s):

United States Trustee (SA)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 10, 2016

Hearing Room

5A

9:30 AM

8:14-15556 Angel Mae Bronsgeest

Chapter 7

Adv#: 8:14-01330 Heubach v. Bronsgeest

#4.00 CON'TD PRE-TRIAL CONFERENCE RE: First Amended Complaint for
Nondischargeability of Debt RE 11 U.S.C. Section 523(a)(2)(A) - FRAUD

FR: 8-20-15; 9-15-15; 11-5-15; 3-3-16; 3-10-16, 9-1-16; 9-22-16

Docket 14

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 20, 2015

Continue status conference to Sept. 15, 2015 at 2:00 p.m., same date/time as
hearing on pending motion to dismiss. Updated status report not required.
(XX)

***Note: If all parties accept the foregoing tentative ruling, appearances at
this hearing are not required.***

September 15, 2015

Take status conference off calendar in light of the dismissal of the adversary
proceeding.

November 5, 2015

Continue status conference to March 3, 2016 at 9:30 a.m.; joint status report
to be filed by February 18, 2016

**United States Bankruptcy Court
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Santa Ana
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Hearing Room

5A

9:30 AM

CONT... Angel Mae Bronsgeest

Chapter 7

March 10, 2016

Plaintiff needs to appear and explain why she did not file a joint status report.

Deadline to complete discovery: June 3, 2016

Joint Pretrial Stipulation must be filed by: July 7, 2016

Pretrial Conference Date: July 21, 2016 at 9:30 a.m.

Plaintiff has primary responsibility for drafting the Joint Pretrial Stipulation in accordance with Local Bankruptcy Rule 7016-1(b)(1) and (2), and 7016-1(c).

Note: Appearances at this hearing are required.

September 22, 2016

The court does not accept the two unilateral pretrial stipulations. The parties are **ordered** to meet and confer outside the courtroom and agree on the specific facts that are not disputed and the ones that are disputed. Only the disputed facts must be decided at trial with evidence to support such disputed facts.

The issue of facts must set forth the elements (requirements) that must be proven for nondischargeability under 523(a)(2)(A), for example, false statement made by defendant, known by defendant to be false, for the purpose of obtaining money, credit or property from plaintiff, which representations plaintiff justifiably relied on to her detriment, resulting in damages.

As to Plaintiff's list of witnesses, Plaintiff must provide a brief statement of the nature of the testimony to be presented by each witness.

The parties are to use Defendant's version of the pretrial stipulation as the template because her draft most closely follows the requirements of Local

**United States Bankruptcy Court
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5A

9:30 AM

CONT... **Angel Mae Bronsgeest**
Bankruptcy Rule 7016-1(b).

Chapter 7

The list of witness and list of exhibits for each party must be attached to one document, i.e., the pretrial stipulation.

Plaintiff's attachment of a transcript to the pretrial stipulation is inappropriate.

Plaintiff must explain to the court why she did not comply with her responsibility to provide a draft of the stipulation to Defendant in advance of the due date as required by LBR 7016-1(b)

Special note: Plaintiffs Lynn Heubach and Kathryn Morea have filed virtually identical unilateral pretrial stipulations -- as both stipulations are substantially deficient, these plaintiffs would be well-advised to cease preparing their documents together.

Note: Appearances at this hearing are required.

November 10, 2016

Approve pretrial statement except that Plaintiff will not be permitted to call as witnesses parties who were not present when the alleged misrepresentations were made to *Plaintiff*. The critical issue to be decided are the representation made by Defendant to Plaintiff, not communications between Defendant and other parties/investors. Plaintiff may call one witness who was present with Plaintiff when representations by Defendant were made.

Trial Dates (1 1/2 days): January 23, 2017: 9:00 am - 5:00 pm; and January 24, 2017: 9:00 am - 12:30pm. All live testimony.

Party Information

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Hearing Room

5A

9:30 AM

CONT... Angel Mae Bronsgeest

Chapter 7

Debtor(s):

Angel Mae Bronsgeest

Represented By
Anerio V Altman

Defendant(s):

Angel Mae Bronsgeest

Pro Se

Joint Debtor(s):

Ronald Guy Bronsgeest

Represented By
Anerio V Altman

Plaintiff(s):

Lynn Heubach

Pro Se

Trustee(s):

Richard A Marshack (TR)

Pro Se

Richard A Marshack (TR)

Represented By
D Edward Hays
Ashley M Teesdale

U.S. Trustee(s):

United States Trustee (SA)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
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Thursday, November 10, 2016

Hearing Room

5A

9:30 AM

8:14-15556 Angel Mae Bronsgeest

Chapter 7

Adv#: 8:14-01332 Morea v. Bronsgeest

#5.00 CON'TD PRE-TRIAL CONFERENCE RE: First Amended Complaint for
Nondischargeability of Debt RE 11 U.S.C. Section 523(a)(2)(A) - FRAUD

FR: 8-20-15; 9-15-15; 11-5-15; 3-3-16; 3-10-16; 9-1-16; 9-22-16

Docket 15

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 20, 2015

Continue status conference to Sept. 15, 2015 at 2:00 p.m., same date/time as
hearing on pending motion to dismiss. Updated status report not required.
(XX)

***Note: If all parties accept the foregoing tentative ruling, appearances at
this hearing are not required.***

September 15, 2015

Take status conference off calendar in light of the dismissal of the adversary
proceeding.

November 5, 2015

Continue status conference to March 3, 2016 at 9:30 a.m.; joint status report
to be filed by February 18, 2016

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Hearing Room

5A

9:30 AM

**CONT... Angel Mae Bronsgeest
March 10, 2016**

Chapter 7

Plaintiff needs to appear and explain why she did not file a joint status report.

Deadline to complete discovery: June 3, 2016

Joint Pretrial Stipulation must be filed by: July 7, 2016

Pretrial Conference Date: July 21, 2016 at 9:30 a.m.

Plaintiff has primary responsibility for drafting the Joint Pretrial Stipulation in accordance with Local Bankruptcy Rule 7016-1(b)(1) and (2), and 7016-1(c).

Note: Appearances at this hearing are required.

September 22, 2016

The court does not accept the two unilateral pretrial stipulations. The parties are **ordered** to meet and confer outside the courtroom and agree on the specific facts that are not disputed and the ones that are disputed. Only the disputed facts must be decided at trial with evidence to support such disputed facts.

The issue of facts must set forth the elements (requirements) that must be proven for nondischargeability under 523(a)(2)(A), for example, false statement made by defendant, known by defendant to be false, for the purpose of obtaining money, credit or property from plaintiff, which representations plaintiff justifiably relied on to her detriment, resulting in damages.

As to Plaintiff's list of witnesses, Plaintiff must provide a brief statement of the nature of the testimony to be presented by each witness.

The parties are to use Defendant's version of the pretrial stipulation as the template because her draft most closely follows the requirements of Local Bankruptcy Rule 7016-1(b).

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Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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5A

9:30 AM

CONT... Angel Mae Bronsgeest

Chapter 7

The list of witness and list of exhibits for each party must be attached to one document, i.e., the pretrial stipulation.

Plaintiff's attachment of a transcript to the pretrial stipulation is inappropriate.

Plaintiff must explain to the court why she did not comply with her responsibility to provide a draft of the stipulation to Defendant in advance of the due date as required by LBR 7016-1(b)

Special note: Plaintiffs Lynn Heubach and Kathryn Morea have filed virtually identical unilateral pretrial stipulations -- as both stipulations are substantially deficient, these plaintiffs would be well-advised to cease preparing their documents together.

Note: Appearances at this hearing are required.

November 10, 2016

Approve pretrial statement except that

1) Plaintiff will not be permitted to call as witnesses parties who were not present when the alleged misrepresentations were made to *Plaintiff*. The critical issue to be decided are the representation made by Defendant to Plaintiff, not communications between Defendant and other parties/investors. Plaintiff may call one witness who was present with Plaintiff when representations by Defendant were made.

2) Plaintiff will not be permitted to admit as exhibits deeds of trust relating to properties other than the property in which Plaintiff asserts an interest.

Trial Dates (1 1/2 days): March 20, 2017: 9:00 am - 5:00 pm; and March 21, 2017: 9:00 am - 12:30pm. All live testimony.

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 10, 2016

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5A

9:30 AM

CONT... Angel Mae Bronsgeest

Chapter 7

Party Information

Debtor(s):

Angel Mae Bronsgeest

Represented By
Anerio V Altman

Defendant(s):

Angel Mae Bronsgeest

Pro Se

Joint Debtor(s):

Ronald Guy Bronsgeest

Represented By
Anerio V Altman

Plaintiff(s):

Kathryn Morea

Pro Se

Trustee(s):

Richard A Marshack (TR)

Pro Se

Richard A Marshack (TR)

Represented By
D Edward Hays
Ashley M Teesdale

U.S. Trustee(s):

United States Trustee (SA)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 10, 2016

Hearing Room

5A

9:30 AM

8:15-10771 Nga Phan

Chapter 7

Adv#: 8:15-01263 VO v. Phan et al

#6.00 PRE-TRIAL CONFERENCE RE: Complaint Objecting to Dischargeability of Debt
11 USC Sections 523(a)(2), 523(a)(6) (As to Nga Phan Only)

FR: 5-12-16

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

**May 12, 2016 [This tentative ruling has been updated since its original
posting on 5/6/16]**

Impose sanctions in the amount of \$100 against Plaintiff's counsel for failure to timely file a status report.

Re Defendant's "Opposition to Motion of Reinstating Adversary Case": This opposition is untimely and will not be considered by the court as the order granting the motion to reinstate the case was entered on March 23, 2016. Defendant's late opposition cannot be deemed a motion for reconsideration as it was not properly filed as such and has no substantive argument or evidence. In addition, to date, Defendant has failed to file an answer to the complaint by April 15, 2016 as required by the March 23, 2016 order.

Final Deadline for Debtor to file Answer:	June 10, 2016
Discovery Cut-off Date:	Aug. 18, 2016
Deadline to Attend <u>Mandatory</u> Mediation:	Sept. 30, 2016
Pretrial Conference Date:	Nov. 10, 2016 at 9:30 a.m.
Deadline to Lodge Joint Pretrial Stipulation:	Oct. 27, 2016

Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling

**United States Bankruptcy Court
Central District of California
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Thursday, November 10, 2016

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9:30 AM

CONT...

Nga Phan

Chapter 7

order consistent with the same.

November 10, 2016

No answer filed by Defendant by the June 10, 2016 deadline ordered by the court. Plaintiff to appear and advise the court whether a motion for default judgment will be forthcoming.

Note: Appearance at this hearing is required.

Party Information

Attorney(s):

David B Lally

Represented By
David Brian Lally

Debtor(s):

Nga Phan

Represented By
Parisa Fishback

Defendant(s):

Sony Dao

Pro Se

Nga Phan

Pro Se

Plaintiff(s):

LISA VO

Represented By
Yen Nguyen
Fritz J Firman

Trustee(s):

Jeffrey I Golden (TR)

Pro Se

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, November 10, 2016

Hearing Room

5A

9:30 AM

CONT...

Nga Phan

Chapter 7

U.S. Trustee(s):

United States Trustee (SA)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, November 10, 2016

Hearing Room 5A

9:30 AM

8:15-13261 Bruce R Fink

Chapter 13

Adv#: 8:16-01139 Fink v. Purl et al

#7.00 CON'TD STATUS CONFERENCE RE: Complaint for Money

FR: 9-1-16; 10-6-16

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 1, 2016

Impose sanctions in the amount of \$100 against Plaintiff for failing to timely file a joint status report. The court is inclined to issue an order to show cause why this adversary should not be dismissed for failure to prosecute.

Note: Appearance at this hearing is required.

October 6, 2016

Take matter off calendar in light of the dismissal of the adversary proceeding.

November 10, 2016

Unilateral status report filed -- no declaration by Plaintiff as to why a joint status report was not filed and what attempts were made to submit a joint status report. LBR 7016-1(a)(3)

Pretrial conference: January 19, 2017 at 9:30 a.m. (XX)
Joint pretrial statement due: January 12, 2017

Note: Appearance at this hearing is required.

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Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, November 10, 2016

Hearing Room

5A

9:30 AM

CONT...

Bruce R Fink

Chapter 13

Party Information

Debtor(s):

Bruce R Fink

Pro Se

Defendant(s):

Nicholai Purlinsky

Pro Se

Ursula Purl

Pro Se

Plaintiff(s):

Bruce R Fink

Pro Se

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

U.S. Trustee(s):

United States Trustee (SA)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, November 10, 2016

Hearing Room

5A

9:30 AM

8:15-14580 Rosalva Ramirez

Chapter 11

Adv#: 8:15-01375 Sotelo et al v. Ramirez et al

#8.00 CON'TD PRE-TRIAL CONFERENCE RE: Notice to Federal Court of Removal of Civil Action from State Court Pursuant to 28 U.S.C. Section 1452

FR: 11-5-15; 12-17-15; 2-11-16; 9-1-16; 10-6-16

Docket 1

***** VACATED *** REASON: CONTINUED TO 12/15/16 AT 9:30 A.M.,
PER ORDER SIGNED 10/27/16 (XX)**

Courtroom Deputy:

**CONTINUED : Order Approving Stipulation Extending Deadline to File
Joint Pre-trial Order and Continue Pre-trial Conference Signed 10/27/16.
Pre-trial Conference Continued to 12/15/16 at 9:30 a.m. (XX) - td
(10/27/2016)**

Tentative Ruling:

November 5, 2015

The court will likely issue an Order to Show Cause why it should not abstain from adjudicating this matter per 28 USC 1334(c)(1)

December 17, 2015

Based upon the briefs filed since the last status conference, the court will not abstain at this time. The court notes that Debtor has not served the cross-defendants with the cross-complaint.

Note: Appearances at this hearing are required

February 11, 2016

**United States Bankruptcy Court
Central District of California
Santa Ana
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9:30 AM

CONT... Rosalva Ramirez

Chapter 11

Date to complete discovery:	July 1, 2016
Pretrial Stipulation due date:	August 18, 2016
Pretrial Conference:	Sept. 1, 2016 at 9:30 a.m. (XX)

Note: If all parties accept the foregoing schedule, appearances at this hearing are not required and Plaintiff shall lodge a scheduling order consistent with the same.

Party Information

Debtor(s):

Rosalva Ramirez	Represented By Marc C Forsythe
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Defendant(s):

Family Steel Corporation	Pro Se
First American Title Insurance	Pro Se
Olimpia Family Trust, Dated	Pro Se
The Ramirez Family Trust	Pro Se
Rosalva Ramirez	Represented By Marc C Forsythe
Jose Luis Ramirez Sr	Pro Se
Herman F Cea	Pro Se

Plaintiff(s):

Aurelio Vera	Represented By Michael Soroy
Faviola Vera	Represented By Michael Soroy
Mayanin Sotelo	Represented By Michael Soroy
Salon Envious, Inc.	Represented By

**United States Bankruptcy Court
Central District of California
Santa Ana
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Thursday, November 10, 2016

Hearing Room 5A

9:30 AM

CONT...

Rosalva Ramirez

Michael Soroy

Chapter 11

U.S. Trustee(s):

United States Trustee (SA)

Represented By
Frank Cadigan

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 10, 2016

Hearing Room

5A

10:00 AM

8:13-14659 Dulce Lacuesta-Pantaleon and Elzen Pantaleon

Chapter 13

#9.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

U.S. BANK, NA, AS TRUSTEE FOR JP MORGAN MORTGAGE TRUST 2006-A4

VS.

DEBTORS

Docket 46

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 10, 2016

Grant with 4001(a)(3) waiver.

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.

Party Information

Debtor(s):

Dulce Lacuesta-Pantaleon

Represented By
Julie J Villalobos

Joint Debtor(s):

Elzen Pantaleon

Represented By
Julie J Villalobos

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 10, 2016

Hearing Room

5A

10:00 AM

CONT... Dulce Lacuesta-Pantaleon and Elzen Pantaleon

Chapter 13

Movant(s):

U.S Bank National Association, as

Represented By
Gilbert R Yabes

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 10, 2016

Hearing Room

5A

10:00 AM

8:16-10077 Steven James Hernandez and America Maria Hernandez

Chapter 13

#10.00 CON'TD Hearing RE: Motion for relief from the automatic stay
[REAL PROPERTY]

U.S. BANK TRUST, N.A.

VS.

DEBTOR

FR: 10-13-16

Docket 61

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 13, 2016

Grant motion without 4001(a)(3) waiver unless the parties have reached agreement re an APO.

If Movant is agreeable to a continued date, the continued hearing would be November 10, 2016 at 10:00 a.m.

November 10, 2016

Movant to advise the court re the status of this matter.

Party Information

Debtor(s):

Steven James Hernandez

Represented By
Michael E Clark

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 10, 2016

Hearing Room

5A

10:00 AM

CONT...

Steven James Hernandez and America Maria Hernandez

Chapter 13

Michael E Clark
Barry E Borowitz
Barry E Borowitz

Joint Debtor(s):

America Maria Hernandez

Represented By
Michael E Clark
Michael E Clark
Michael E Clark
Barry E Borowitz
Barry E Borowitz
Barry E Borowitz

Movant(s):

U.S. Bank Trust, N.A., as Trustee

Represented By
Darlene C Vigil

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 10, 2016

Hearing Room

5A

10:00 AM

8:16-10274 Michelle Kane

Chapter 13

#11.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

JPMORGAN CHASE BANK, NATIONAL ASSOCIATION

VS.

DEBTOR

Docket 67

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 10, 2016

Grant with 4001(a)(3) waiver.

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.

Party Information

Debtor(s):

Michelle Kane

Represented By
Michael Poole

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 10, 2016

Hearing Room

5A

10:00 AM

8:16-13545 Michael David Petronella and Nicole Raye Petronella

Chapter 7

#12.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

ZB, NATIONAL ASSOCIATION

VS.

DEBTOR

Motion for relief from the automatic stay with supporting declarations REAL
PROPERTY RE: 5293 Lupine Street, Yorba Linda, CA 92886

Docket 17

***** VACATED *** REASON: OFF CALENDAR: Order of Dismissal for
Failure to Appear at 341(a) Meeting Entered 11/9/16**

Courtroom Deputy:

**OFF CALENDAR: Order of Dismissal for Failure to Appear at 341(a)
Meeting Entered 11/9/16 - td (11/9/2016)**

Tentative Ruling:

November 10, 2016

Deny motion without prejudice.

Substantial equity in property to adequately protect Movant at this time.

*Note: Contrary to popular belief, In re Mellor does not require a minimum
equity cushion of 20%.*

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 10, 2016

Hearing Room

5A

10:00 AM

CONT... Michael David Petronella and Nicole Raye Petronella

Chapter 7

Note: If Movant accepts the foregoing tentative ruling, appearance at this hearing is not required.

Party Information

Debtor(s):

Michael David Petronella

Represented By
Julie J Villalobos

Joint Debtor(s):

Nicole Raye Petronella

Represented By
Julie J Villalobos

Trustee(s):

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 10, 2016

Hearing Room

5A

10:30 AM

8:03-19407 Imperial Credit Industries Inc

Chapter 7

#13.00 CON'TD STATUS CONFERENCE RE: Status of Case

(Set Per Order Entered 2/10/2016)
FR: 3-29-16; 9-15-16; 9-22-16

Docket 0

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 29, 2016

Continue status conference to September 15, 2016 at 10:30 a.m.; updated status report to be filed by September 1, 2016. (XX)

Note: Appearance at this hearing is not required.

September 22, 2016

Trustee to appear and advise the court regarding the status of the IRS' response. Waiting three years for a response is unprecedented. How many more years is the Trustee prepared to wait?

November 10, 2016

As of the posting of this tentative ruling (11/9/16 at approx. 3:15 p.m.), no amended proof of claim had been filed by the IRS.

Note: Appearance at this hearing is required.

Party Information

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 10, 2016

Hearing Room

5A

10:30 AM

CONT... Imperial Credit Industries Inc

Chapter 7

Debtor(s):

Imperial Credit Industries Inc

Represented By
David L. Neale
Daniel H Reiss
David R. Weinstein

Trustee(s):

Edward M Wolkowitz (TR)

Represented By
Tavi C Flanagan
Jeffrey M. Reisner
Mike D Neue
William N Lobel
Edward M Wolkowitz
James E Till
Kerri A Lyman
Michael K Sugar

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 10, 2016

Hearing Room

5A

10:30 AM

8:10-10967 Doyle Family LLC

Chapter 7

#14.00 Hearing RE: Trustee's Final Report and Application for Compensation and Reimbursement of Expenses

[JEFFREY I. GOLDEN, CHAPTER 7 TRUSTEE]

Docket 191

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 10, 2016

Approve fees and expenses as requested.

Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.

Party Information

Debtor(s):

Doyle Family LLC

Represented By
Tracy Ettinghoff

Trustee(s):

Jeffrey I Golden (TR)

Represented By
Michael G D'Alba
Eric P Israel
Aaron E de Leest

United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar

Thursday, November 10, 2016

Hearing Room

5A

10:30 AM

8:10-10967 Doyle Family LLC

Chapter 7

#15.00 Hearing RE: First and Final Application for Award of Compensation and Reimbursement of Expenses

[DANNING, GILL, DIAMOND & KOLLITZ, LLP AS GENERAL COUNSEL FOR CHAPTER 7 TRUSTEE]

Docket 182

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 10, 2016

Approve fees and expenses as requested.

Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.

Party Information

Debtor(s):

Doyle Family LLC

Represented By
Tracy Ettinghoff

Trustee(s):

Jeffrey I Golden (TR)

Represented By
Michael G D'Alba
Eric P Israel
Aaron E de Leest

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 10, 2016

Hearing Room 5A

10:30 AM

8:10-10967 Doyle Family LLC

Chapter 7

#16.00 Hearing RE: First and Final Application for Allowance of Fees and Expenses
From February 27, 2014 through January 26, 2015

[HAHN FIFE & COMPANY, ACCOUNTANT FOR CHAPTER 7 TRUSTEE]

Docket 180

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 10, 2016

Approve fees and expenses as requested.

Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.

Party Information

Debtor(s):

Doyle Family LLC

Represented By
Tracy Ettinghoff

Trustee(s):

Jeffrey I Golden (TR)

Represented By
Michael G D'Alba
Eric P Israel
Aaron E de Leest

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 10, 2016

Hearing Room

5A

10:30 AM

8:11-22036 Melanie Ann Harper

Chapter 13

**#17.00 CONT'D Hearing RE: Debtor's Motion Objecting to Shellpoint Mortgage
Servicing Proof Of Claim No. 7 (exceeding \$27,000.00)**

FR: 9-22-16

Docket 177

***** VACATED *** REASON: OFF CALENDAR: Order on Stipulation
Resolving Debtor's Objection to Proof of Claim No. 7 Entered 10/18/16 and
Notice of Debtor's Withdrawal of Objection (Dkt 177) to Shellpoint
Mortgage Servicing Proof of Claim filed 10/18/16**

Courtroom Deputy:

**OFF CALENDAR: Order on Stipulation Resolving Debtor's Objection to
Proof of Claim No. 7 Entered 10/18/16 and Notice of Debtor's Withdrawal
of Objection (Dkt 177) to Shellpoint Mortgage Servicing Proof of Claim
filed 10/18/16 - td (10/19/2016)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Melanie Ann Harper

Represented By
Craig J Beauchamp
Craig J Beauchamp

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 10, 2016

Hearing Room

5A

10:30 AM

8:13-13784 Alicia Elizabeth Blackman

Chapter 11

#18.00 CON'TD Post Confirmation Status Conference RE: Second Amended Individual Debtor's Chapter 11 Plan of Reorganization

(Set at Conf. Hrg. Held 8/19/14)

FR: 2-12-15; 8-20-15; 2-11-16; 8-4-16; 9-22-16

Docket 107

***** VACATED *** REASON: Status Conference Continued To January 19, 2017 At 10:30 A.M. With Updated Status Report Due By January 4, 2017 Per Hearing Held 11/3/16 at 10:30 a.m (XX)**

Courtroom Deputy:

CONTINUED: Status Conference Continued To January 19, 2017 At 10:30 A.M. With Updated Status Report Due By January 4, 2017 Per Hearing Held 11/3/16 at 10:30 a.m. (XX)- mp/td(11/3/16)

Tentative Ruling:

February 12, 2015

Continue post-confirmation status conference to August 20, 2015 at 10:30 a.m.; updated status report to be filed by August 6, 2015. (XX)

Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is the responsibility of Debtor to confirm substantial compliance with the US Trustee prior to the hearing.

August 20, 2015

Continue post-confirmation status conference to February 11, 2016 at 10:30 a.m.; updated status report to be filed by January 28, 2016. (XX)

Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is the responsibility of Debtor to confirm substantial compliance with the US

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 10, 2016

Hearing Room

5A

10:30 AM

CONT... Alicia Elizabeth Blackman

Chapter 11

Trustee prior to the hearing.

February 11, 2016

Continue post-confirmation status conference to August 4, 2016 at 10:30 a.m.; updated status report to be filed by July 21, 2016. (XX)

Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is the responsibility of Debtor to confirm substantial compliance with the US Trustee prior to the hearing.

August 4, 2016

Updated status report not filed. Impose sanctions in the amount of \$100.00 against Debtor's counsel for failure to timely file an updated status report.

Note: Appearance at this hearing is required.

September 22, 2016

Impose sanctions in the amount of \$100.00 against Debtor's counsel for failure to timely file an updated status report or to file a motion to dismiss the case.

Note: Appearance at this hearing is required.

Party Information

Debtor(s):

Alicia Elizabeth Blackman

Represented By
Bert Briones

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 10, 2016

Hearing Room 5A

10:30 AM

8:13-19840 Peter J. Chocholak

Chapter 7

#19.00 Hearing RE: Trustee's Final Report and Application for Compensation and Reimbursement of Expenses

[JEFFREY I. GOLDEN, CHAPTER 7 TRUSTEE]

Docket 165

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 10, 2016

Approve fees and expenses as requested.

Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.

Party Information

Debtor(s):

Peter J. Chocholak

Pro Se

Trustee(s):

Jeffrey I Golden (TR)

Represented By
Judith E Marshack
Richard A Marshack
Matthew Grimshaw

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 10, 2016

Hearing Room 5A

10:30 AM

8:13-19840 Peter J. Chocholak

Chapter 7

#20.00 Hearing RE: First and Final Application for Allowance of Fees and Costs

[MARSHACK HAYS, ATTORNEYS FOR CHAPTER 7 TRUSTEE]

Docket 163

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 10, 2016

Approve fees and expenses as requested.

Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.

Party Information

Debtor(s):

Peter J. Chocholak

Pro Se

Trustee(s):

Jeffrey I Golden (TR)

Represented By
Judith E Marshack
Richard A Marshack
Matthew Grimshaw

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 10, 2016

Hearing Room

5A

10:30 AM

8:13-19840 Peter J. Chocholak

Chapter 7

#21.00 Hearing RE: First and Final Fee Application for Allowance of Fees and Expenses from April 29, 2014 through August 25, 2016

[HAHN FIFE & CO., LLP, ACCOUNTANT FOR CHAPTER 7 TRUSTEE]

Docket 164

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 10, 2016

Approve fees and expenses as requested.

Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.

Party Information

Debtor(s):

Peter J. Chocholak

Pro Se

Trustee(s):

Jeffrey I Golden (TR)

Represented By
Judith E Marshack
Richard A Marshack
Matthew Grimshaw

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 10, 2016

Hearing Room

5A

10:30 AM

8:14-10918 Robert Boyajian

Chapter 11

#22.00 Hearing RE: Creditors Shahrokh Shawn Ordoubadi and Raham Honeya Ordoubadi's Motion to Appoint a Trustee Pursuant to 11 U.S.C. Section 1104(a) (1), or in the Alternative Convert the Case to One Under Chapter 7 Pursuant to 11 U.S.C. Section 1112(b)(1)

Docket 291

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 10, 2016

Deny motion due to insufficient grounds stated therefor.

Though selling Debtor's most valuable asset, the motel, took more than two years, the property has been sold and there is now enough money in the estate to pay all allowed claims in full with an anticipated surplus to Debtor. Debtor has filed a plan and disclosure statement and a hearing on the approval of the latter took place on Nov. 3, 2016. Though the disclosure statement requires amendment, approval of the disclosure statement at the continued hearing is likely. Given that Debtor is on the path to confirmation of a 100% plan and that ownership of Mayor Dune has been disclosed, there are insufficient grounds for the appointment of a chapter 11 trustee or conversion of the case.

Party Information

Debtor(s):

Robert Boyajian

Represented By
Tamar Terzian
Alan G Tippie

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 10, 2016

Hearing Room

5A

10:30 AM

8:16-10031 Robert Carlile, Jr

Chapter 7

Adv#: 8:16-01106 R Prasad Industries v. Carlile Jr

#23.00 CON'TD Hearing RE: Motion to Quash Alleged Service of Process and Dismiss Complaint

FR: 10-13-16

Docket 10

Courtroom Deputy:

Tentative Ruling:

November 10, 2016

Deny motion. The time for completing proper service shall be extended as follows: Plaintiff must obtain another alias summons by or before November 14, 2016 and must serve the alias summons and complaint on both Defendant and Defendant's counsel by first class mail within **7** days of the issuance of the summons (as required by FRBP 7004(e)). Plaintiff shall file the proof of service showing timely and proper service within 7 days of service.

Basis for Tentative Ruling

The parties appear to be relying on earlier superceded versions of the rules re the service of summons. Fed.R.Bankr.P. (FRBP) 7004(e) requires "delivery of the summons and complaint within *7 days after the summons is issued.*" The 14-day service time is no longer the rule.

Fed.R.Civ.P. (FRCP) 4(m) requires service of the complaint within *90* days after it is filed, not 120 days. Further Rule 4(m) provides that "if the plaintiff shows good cause for the failure [to timely serve the complaint], the court *must* extend the time for service for an appropriate period." (emphasis

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 10, 2016

Hearing Room

5A

10:30 AM

CONT...

Robert Carlile, Jr

Chapter 7

added). Based on the evidence presented, including Mr. Hovore's unrefuted sworn statement that he was advised by Debtor's counsel that counsel would accept service on behalf of Debtor, as well as Plaintiff's multiple, albeit unsuccessful, attempts to effect service, the court believes that good cause has been stated for one extension of time to complete service.

Note: If both parties accept the foregoing tentative ruling, appearances at today's hearing are not required.

Party Information

Debtor(s):

Robert Carlile Jr

Represented By
Dana M Douglas

Defendant(s):

Robert Carlile Jr

Represented By
Dana M Douglas

Plaintiff(s):

R Prasad Industries

Represented By
F Thomas Hovore

Trustee(s):

Weneta M Kosmala (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 10, 2016

Hearing Room 5A

10:30 AM

8:16-10223 Kent Wycliffe Easter

Chapter 7

Adv#: 8:16-01114 Peters et al v. Easter

#24.00 Hearing RE: Plaintiff's Motion for Summary Judgment

Docket 20

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 10, 2016

Partial Tentative Ruling: Re the issue of collateral estoppel or issue preclusion, California state law applies to the application of the doctrine. One of the requirements for issue preclusion is that there be a final judgment. Under California law, a judgment is not final for purposes of collateral estoppel or res judicata "during the pendency of and until the resolution of an appeal. See *Sosa v. Direct TV*, 437 F.3d 923, 928 (9th Cir. 2006); *Eichman v. Fotomat Corp.* 759 F.2s 1434, 1439 (9th Cir. 1985). Therefore, to the extent that the Motion is based on a California State Court judgment that is presently on appeal, such judgment is not final for collateral estoppel or res judicata purpose.

The court is inclined to grant partial summary adjudication in favor of Plaintiff Kelli Peters re nondischargeability under 523(a)(6) based solely upon the stipulated facts set forth in Exhibit 3 to the Declaration of Robert H. Marcereau. The first paragraph of the Stipulation satisfies all of the requirements for willful and malicious conduct as to Kelli Peters -- intent to cause harm without just cause or excuse. This is undisputed in Defendant's Response to Plaintiff's Separate Statement of Undisputed Facts at paragraphs 1 and 2.

Party Information

Debtor(s):

Kent Wycliffe Easter

Represented By

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 10, 2016

Hearing Room

5A

10:30 AM

CONT... Kent Wycliffe Easter

Chapter 7

Robert P Goe

Defendant(s):

Kent W Easter

Pro Se

Plaintiff(s):

Sydney Peters

Represented By
Robert H Marcereau

Bill Peters

Represented By
Robert H Marcereau

Kelli Peters

Represented By
Robert H Marcereau

Trustee(s):

Weneta M Kosmala (TR)

Represented By
Reem J Bello

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 10, 2016

Hearing Room

5A

10:30 AM

8:16-10223 Kent Wycliffe Easter

Chapter 7

Adv#: 8:16-01114 Peters et al v. Easter

#25.00 CON'TD STATUS CONFERENCE RE: Complaint to Determine Dischargeability of Debt [11 U.S.C. Section 523(a)(6)]

FR: 7-21-16; 11-8-16
(Advanced from 11/10/16 at 2:00 pm)

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 21, 2016

Deadline to file Summary Judgement Motion: Oct. 4, 2016
Hearing on Summary Judgment: Nov. 8, 2016 at 2:00 p.m. (xx)
Continued Status Conference Date: Nov. 8, 2016 at 2:00 p.m.*
(XX)

*Updated joint status report not required. Depending on the outcome of the summary judgment hearing, the court will set the pretrial conference date immediately following such hearing.

Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.

November 10, 2016

No tentative ruling. Disposition will depend upon the outcome of the summary judgment motion.

Party Information

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 10, 2016

Hearing Room

5A

10:30 AM

CONT... Kent Wycliffe Easter

Chapter 7

Debtor(s):

Kent Wycliffe Easter

Pro Se

Defendant(s):

Kent W Easter

Pro Se

Plaintiff(s):

Sydney Peters

Represented By
Robert H Marcereau

Bill Peters

Represented By
Robert H Marcereau

Kelli Peters

Represented By
Robert H Marcereau

Trustee(s):

Weneta M Kosmala (TR)

Pro Se

Weneta M Kosmala (TR)

Pro Se

U.S. Trustee(s):

United States Trustee (SA)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 10, 2016

Hearing Room

5A

10:30 AM

8:16-10509 Douglas Allen Dawson and Jennifer Ann Dawson

Chapter 13

#26.00 Hearing RE: Debtors' Objection to the Summit Community Association's Notice of Postpetition Mortgage Fees, Expenses and Charges Pursuant to 11 U.S.C. Sections 327, 330

Docket 78

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 10, 2016

Sustain in part; overrule in part. Sustain objections in the total amount of \$2,606.60, subject to adjustment.* Overrule as to the balance.

Basis for Tentative Ruling

1. Summit appears to be an oversecured within the meaning of 11 USC 506 (b) creditor per Debtor's schedule A, showing a value of \$875,000 before costs of sale. Nothing in Section 506(b) suggests that a creditor's status as oversecured is to be determined after costs of sale, particularly where, as here, Debtors intend to retain and not liquidate the property.

2. One of the primary cases relied upon by Debtors for their position that Summit is not entitled to postpetition attorneys fees as part of its secured claim, *In re Rubin*, 516 BR 221 (Bankr. ED NY 2014), is neither persuasive or binding on this court and does not reflect the majority view. In fact, Debtors previously made the identical arguments and analysis re *Rubin* in an earlier motion to disallow Summit's claim, all of which were rejected by the court and the motion was denied at a hearing held on July 19, 2016. An Order Denying Motion was entered July 29, 2016 [docket #66].

3. Based upon the CC&Rs and California statutory law, Summit continues to

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 10, 2016

Hearing Room

5A

10:30 AM

CONT...

Douglas Allen Dawson and Jennifer Ann Dawson

Chapter 13

maintain a secured claim within the meaning of 506(b), notwithstanding the entry of judgment of foreclosure of assessment lien.

4. Bottom line, Debtors have provided insufficient legal authority in support of their position that Summit is not entitled to postpetition attorneys fees and costs pursuant to 506(b) as part of its secured claim.

5. Section 506(b) does limit fees and costs to those that are *reasonable*. The court has closely reviewed the attorney fee statements, as well as Debtors' objections to the same and have determined that, based on the requirement of reasonableness, the amount of postpetition fees should be reduced.

Breakdown of deductions:

DECLARATION OF CHRISTINE A. KINGSTON

A. Attorneys Fees:

<u>Page</u>	<u>Line</u>	<u>Amount Deducted</u>	<u>Reason</u>
10	21	\$675.00	Court record does not show appearance made
11	15	45.00	Review of other creditor claims unnecessary
11	22	562.50	6.5 hr is excessive; 4 hrs allowed @225.00
12	5	33.75	1/2 of charge deducted re unfiled RFS motion
12	12	33.75	1/2 of charge deducted re unfiled RFS motion
12	17	20.50	1/2 of charge deducted re unfiled RFS

**United States Bankruptcy Court
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Judge Erithe Smith, Presiding
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Thursday, November 10, 2016

Hearing Room

5A

10:30 AM

CONT... **Douglas Allen Dawson and Jennifer Ann Dawson**
motion

Chapter 13

12	21	202.50	charge appears unnecessary/unreasonable
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13	8	41.00	charge deducted re unfiled RFS motion
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		<u>\$1614.00</u> <u>+ 471.50*</u>	
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		\$2,085.50*	
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B. Legal Assistant

14	16	\$ 30.00	charge appears to be duplicate
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15	1	70.00	charge appears to be duplicate
----	---	-------	--------------------------------

15	8	20.00	references nonexistent discharge order
----	---	-------	--

15	11	30.00	charge appears unnecessary
----	----	-------	----------------------------

15	15	30.00	charge appears unnecessary
----	----	-------	----------------------------

15	21	20.00	1/2 of charge deducted re "prepare"
			stipulation

16	1	15.00	1/2 of charge deducted re "prepare"
			stipulation

16	6	110.00	charge appears to relate to withdrawn claim
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16	15	20.00	charge appears to relate to withdrawn claim
----	----	-------	---

16	17	20.00	charge appears to relate to withdrawn claim
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**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 10, 2016

Hearing Room

5A

10:30 AM

CONT...	Douglas Allen Dawson and Jennifer Ann Dawson		Chapter 13
16	19	60.00	charge appears to relate to withdrawn claim
17	16	20.00	partial reduction for withdrawal of claim
17	22	15.00	partial reduction for review unrelated claims
18	3	30.00	clerical/nonprofessional service
18	7	<u>30.00</u>	clerical/nonprofessional service
		\$ 520.00	Total Legal Assistant Reductions
		+ <u>2,085.50</u>	
		2,605.50	TOTAL REDUCTIONS

**This reduction reflects the court's inability to verify Summit's counsel's appearance at the confirmation hearing on 4/26/16 as no appearances were stated on the record at that hearing. The court will reinstate \$471.50 if counsel files a declaration within 7 days of today's hearing confirming his presence at 4/26/16, including the time he actually spent in the courtroom.*

Party Information

Debtor(s):

Douglas Allen Dawson

Represented By
Christine A Kingston

Joint Debtor(s):

Jennifer Ann Dawson

Represented By
Christine A Kingston

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 10, 2016

Hearing Room

5A

10:30 AM

8:16-12854 Paul Edward Rubio

Chapter 13

#27.00 Hearing RE: Motion to Avoid Junior Lien with Real Time Resolutions, Inc.

Docket 46

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 10, 2016

Grant motion.

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.

Party Information

Debtor(s):

Paul Edward Rubio

Represented By
Lauren Rode

Movant(s):

Paul Edward Rubio

Represented By
Lauren Rode

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 10, 2016

Hearing Room

5A

2:00 PM

8:13-17920 Donald Woo Lee

Chapter 7

Adv#: 8:16-01190 Marshack v. SD Medical Clinic, Inc. et al

#28.00 Hearing RE: Defendants' Motion to Dismiss Plaintiff's Complaint for (1) Conversion; (2) Avoidance, Recovery, and Preservation of Fraudulent and Unauthorized Postpetition Transfers; and (3) Turnover of Property of the Estate

(Advanced from 1/19/17)

Docket 4

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 10, 2016

Grant in part; deny in part. Grant without leave to amend as to the First Claim for relief for the reasons stated in the Motion and the Reply, which the court incorporates by reference herein (specifically based on endorsement of certain checks by the payee and the statute of limitations (Section 108(a) is unavailing as the time began running from the petition date, not the date of appointment of the trustee); Deny as to the Fifth Claim for relief for the reasons stated in the Opposition which the court incorporates by reference herein. The court is not persuaded by Defendant's arguments or analysis.

Party Information

Debtor(s):

Donald Woo Lee

Represented By
Robert B Rosenstein

Defendant(s):

Pacific Western Bank

Represented By
Kenneth Hennesay

SD Medical Clinic, Inc.

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 10, 2016

Hearing Room

5A

2:00 PM

CONT... Donald Woo Lee

Chapter 7

Joint Debtor(s):

Linda Bae Lee

Represented By
Robert B Rosenstein

Plaintiff(s):

Richard A. Marshack

Represented By
Caroline Djang

Trustee(s):

Richard A Marshack (TR)

Represented By
Kyra E Andrassy
David Wood
Matthew Grimshaw
Nathan F Smith
Arturo M Cisneros
Norma Ann Dawson
Robert S Lawrence
Caroline Djang

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 10, 2016

Hearing Room 5A

2:00 PM

8:16-10223 Kent Wycliffe Easter

Chapter 7

Adv#: 8:16-01114 Peters et al v. Easter

**#29.00 CON'TD STATUS CONFERENCE RE: Complaint to Determine Dischargeability
of Debt [11 U.S.C. Section 523(a)(6)]**

FR: 7-21-16; 11-8-16

Docket 1

***** VACATED *** REASON: Status Conference Advanced to 11/10/16 at
10:30 a.m.; Robert Marceau, Attorney for Plaintiff will file a Notice of
Advancement on Court's Own Motion (XX)**

Courtroom Deputy:

**OFF CALENDAR: Status Conference Advanced to 11/10/16 at 10:30 a.m.;
Robert Marceau, Attorney for Plaintiff will file a Notice of Advancement
on Court's Own Motion (XX) - td (9/20/2016)**

Tentative Ruling:

July 21, 2016

Deadline to file Summary Judgement Motion: Oct. 4, 2016
Hearing on Summary Judgment: Nov. 8, 2016 at 2:00 p.m. (xx)
Continued Status Conference Date: Nov. 8, 2016 at 2:00 p.m.*
(XX)

*Updated joint status report not required. Depending on the outcome of the summary judgment hearing, the court will set the pretrial conference date immediately following such hearing.

Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.

Party Information

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 10, 2016

Hearing Room

5A

2:00 PM

CONT... Kent Wycliffe Easter

Chapter 7

Debtor(s):

Kent Wycliffe Easter

Pro Se

Defendant(s):

Kent W Easter

Pro Se

Plaintiff(s):

Sydney Peters

Represented By
Robert H Marcereau

Bill Peters

Represented By
Robert H Marcereau

Kelli Peters

Represented By
Robert H Marcereau

Trustee(s):

Weneta M Kosmala (TR)

Pro Se

Weneta M Kosmala (TR)

Pro Se

U.S. Trustee(s):

United States Trustee (SA)

Pro Se